

C. Requests for Production

The parties will serve their first requests for production of documents by May 24, 2019.

D. Interrogatories

The parties will serve their first interrogatories by May 24, 2019.

E. Leave to Amend/Add Additional Parties

The last day for the parties to amend their pleadings or add additional parties without leave of Court will be July 12, 2019

F. Requests to Admit

The parties will serve their first requests to admit by August 9, 2019.

G. Close of Fact Discovery

Fact discovery will close by October 25, 2019.

H. Close of Expert Discovery

Expert discovery will close by December 13, 2019.

I. Summary Judgment Motions

Any summary judgment motions will be due on or before January 17, 2020. Any opposition thereto will be due on February 7, 2020. Any reply thereto will be due on February 14, 2020.

J. Other Matters

1. Electronic Discovery:

The parties anticipate that discovery in this case will involve the production of hard copy documents and electronically stored information (“ESI”). The parties will meet and confer in good faith throughout the course of discovery in an effort to avoid the need for any formal motions related to discovery of ESI. The parties agree that they are under no obligation to preserve or search ESI on backup tapes/media (including both disaster recovery and

archival/retention), webpages, instant messaging systems, PDAs, paging devices, and mobile telephones from ESI. The parties reserve the right to revisit this agreement in the event that it appears that specific, narrowly-tailored, materially relevant discovery can be obtained from no other source and a party would be substantially prejudiced by its non-production. In any event, the parties reserve all of their rights to oppose requests for such discovery. Although the parties have agreed that certain sources of data (which are not reasonably accessible) need not be preserved, it is not the intention of the parties to use this agreement to intentionally delete evidence in this case.

2. Issues Relating to Claims of Privilege

The parties shall produce privilege logs within a reasonable time after production. The parties will confer in good faith on the ways to minimize the burden of privilege logs. The parties agree that any inadvertent disclosure of privileged material in the course of discovery shall not constitute a waiver of privilege, provided that the party who made the inadvertent disclosure promptly notifies the other party upon becoming aware of the disclosure.

3. Changes to Limitations on Discovery

The parties do not anticipate any additional changes to or limitations on discovery at this time.

4. Protective Order

The parties recognize that this matter may require the production of sensitive commercial information and therefore agree that it is appropriate to enter into a protective order to govern the handling of such information. Before documents are produced, the parties will execute a stipulated pre-trial protective order for this Court's approval.

K. Settlement Discussions

During the April 11, 2019 meet and confer, the parties discussed the possibility of settlement, as required.

L. Trial

Based on the claims currently advanced by Plaintiff, the parties contemplate that trial in this matter will take 2-3 full days, but reserve the right to revise this estimate after the scope of the case becomes clearer. The parties do not consent to trial before a magistrate judge. The parties request that the case be tried before a jury.

Dated: New York, New York
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LIEBOWITZ LAW FIRM, PLLC

/s/ Richard Liebowitz
With the express written permission of
Richard P. Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580
Tel.: 516-233-1660
E-mail: RL@liebowitzlawfirm.com

Attorneys for Plaintiff Ellis Kaplan

BRYAN CAVE LEIGHTON PAISNER LLP

/s/ Benjamin F. Sidbury
Noah M. Lerman
1290 Avenue of the Americas
New York, New York 10104
Tel: (212) 541-2000
Fax: (212) 541-1462
E-mail: noah.lerman@bclplaw.com

Benjamin F. Sidbury
301 South College Street, Suite 3900
Charlotte, NC 28202
Tel: (704) 749-8999
Fax: (704) 749-8990
E-mail: ben.sidbury@bclplaw.com

Attorneys for Defendant Barstool Sports, Inc.